

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re: MURRAY ENERGY HOLDINGS CO., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 19-56885 (JEH) (Joint Administration Granted) Judge John E. Hoffman, Jr.
BLACK DIAMOND COMMERCIAL FINANCE, L.L.C., as Administrative Agent, Plaintiff, v. MURRAY ENERGY CORP., MURRAY ENERGY HOLDINGS CO., GLAS TRUST COMPANY LLC, and U.S. BANK, N.A., Defendants.	Adv. Pro. No. 19-02143

**JOINT STIPULATION TO ENTRY OF AN AGREED ORDER
EXTENDING RESPONSE TIME AND SETTING BRIEFING SCHEDULE**

1. The debtors in the above-captioned bankruptcy proceeding (each a “Debtor” and collectively, the “Debtors”), along with Black Diamond Commercial Finance, L.L.C., as Administrative Agent (“Plaintiff”), and Debtor Murray Energy Corp., Debtor Murray Energy Holdings Co., GLAS Trust Company LLC, as administrative agent, and U.S. Bank, N.A., as collateral trustee (collectively, “Defendants”, and together with the Debtors and Plaintiff, the

¹ Due to the large number of Debtors in these chapter 11 cases, a complete list a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Holdings Co.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

“Parties”), hereby stipulate and jointly request that this Court enter an order substantially in the form attached hereto as **Exhibit A** (the “Agreed Order”).

2. On October 29, 2019, the Debtors commenced cases under chapter 11 of title 11 of the U.S. Code (the “Chapter 11 Cases”). The Chapter 11 Cases are jointly administered as captioned above. *See* Order (i) Directing Joint Administration of Chapter 11 Cases and (ii) Granting Related Relief [Related to Docket Nos. 2, 63], Case No. 19-56885, Dkt. No. 112.

3. On November 20, 2019, Plaintiff commenced the above-captioned adversary proceeding against Defendants (the “Adversary Proceeding”) by filing a complaint [Dkt. No. 1] (the “Complaint”).

4. Each Defendant has been duly served with the Complaint and a summons, in accordance with Rule 7004 of the Federal Rules of Bankruptcy Procedure, and Murray Energy Corp.’s current deadline to respond under Rule 7012 of the Federal Rules of Bankruptcy Procedure (“Rule 7012”) is December 20, 2019, and each of the remaining Defendants’ current deadline to respond under Rule 7012 is December 26, 2019.

5. The Parties agree that an extension of time for Defendants to answer or otherwise respond to the Complaint, pursuant to Rule 7012, is warranted under the complex circumstances present in the Adversary Proceeding.

6. The Parties also agree that an extension of time is warranted to the extent Plaintiff files a motion seeking derivative standing to pursue the claims in the Complaint (the “Standing Motion”), but that nothing in this stipulation and/or the Agreed Order shall be construed to suggest that the claims are in fact derivative or that the Plaintiff is otherwise required to file a Standing Motion. All parties reserve all rights with respect to any and all arguments related to

both the Standing Motion and the Plaintiff's ability to commence and prosecute this Adversary Proceeding.

7. As set forth in the Agreed Order, the Parties stipulate and agree that: (a) each of the Defendants' time, pursuant to Rule 7012, to serve and file an answer or to otherwise respond to the Complaint shall be extended through and including **January 17, 2020**; (b) Plaintiff shall have through and including **February 7, 2020** to file any opposition to Defendants' response/answer to the Complaint, as applicable; and (c) Defendants shall have through and including **February 21, 2020** to file any reply in further support of its response/answer.

8. Defendants presently contemplate that they will file a consolidated response to the Complaint.

9. The Parties further stipulate and agree that Plaintiff shall have through and including **January 27, 2020** to file its Standing Motion (if any).

10. This stipulation to the Agreed Order comprises the first request of the Parties in the Adversary Proceeding for an extension of time. Unless otherwise specifically prescribed herein, all filings addressed by this stipulation (including pleading deadlines, to the extent not provided for herein) will conform with the Federal Rules of Bankruptcy Procedure, the Court's Local Rules and the Order Implementing Certain Notice and Case Management Procedures [Related to Docket No. 22], Case No. 19-56885, Dkt. No. 113, unless the Parties obtain leave of Court.

11. This stipulation will be filed both on the consolidated docket of the Chapter 11 Cases and on the docket for the Adversary Proceeding.

Dated: December 9, 2019
Columbus, Ohio

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joint Stipulation to Entry of an Agreed Order Extending Response Time and Setting Briefing Schedule* was served electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court.

/s/ Kim Martin Lewis

Kim Martin Lewis